

E-FILING

United States District Court

NORTHERN

DISTRICT OF

FILED

CALIFORNIA

2007 SEP 24 A 11:33

UNITED STATES OF AMERICA

V.

RICHARD W. WIEKING  
CLERK  
CRIMINAL COMPLAINT  
NO. DIST. OF CA. S.J.

Guadalupe CASTANEDA-Negrete  
(Name and Address of Defendant)

07 70564

PVT

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, August 30, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

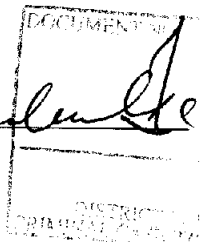
9/24/07  
Date

at

San Jose, California  
City and State

Patricia V. Trumbull  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer



**RE:** CASTANEDA-Negrete, Guadalupe A92 845 396

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

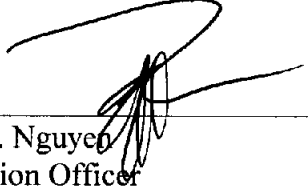
- (1) Mr. CASTANEDA-Negrete is a 47-year-old male who has used ten (10) aliases and one (1) date of birth in the past.
- (2) Mr. CASTANEDA-Negrete has been assigned three (3) Alien Registration numbers of A92 845 396, A29 250 512, and A70 450 845, FBI number of 174337CA3, California Criminal Information Index number of A07175576, and a California Department of Correction number F52563.
- (3) Mr. CASTANEDA-Negrete is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on five (5) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
July 7, 1995	Calexico, CA
August 3, 1995	Calexico, CA
May 29, 1997	Otay Mesa, CA
April 28, 2000	Calexico, CA
September 30, 2005	Nogales, AZ

- (4) Mr. CASTANEDA-Negrete last entered the United States at or near Calexico, CA on or after September 30, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. CASTANEDA-Negrete on a date unknown, but no later than August 30, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On August 30, 2007, Mr. CASTANEDA-Negrete was interviewed by Immigration Enforcement Agent (IEA) Patrick Malate at the CTF-Soledad Prison, Soledad, CA, and during that interview, Mr. CASTANEDA-Negrete was advised of his **Miranda** rights in English and Spanish. Mr. CASTANEDA-Negrete waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

**RE:** CASTANEDA-Negrete, Guadalupe A92 845 396

- (6) Mr. CASTANEDA-Negrete was, on April 28, 1993, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of PETTY THEFT WITH PRIOR, a felony, in violation of Section 666 of the California Penal Code, and was sentenced to two (2) years in prison.
- (7) Mr. CASTANEDA-Negrete was, on April 28, 1999, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of RECEIVE STOLEN PROPERTY, a misdemeanor, in violation of Section 496(a) of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (8) Mr. CASTANEDA-Negrete was, on March 1, 2000, convicted in the Superior Court of California, in and for the County of Imperial, for the offense of USE/UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE, a misdemeanor, in violation of Section 11550(a) of the California Health and Safety Code, and was sentenced to one-hundred twenty (120) days in jail.
- (9) Mr. CASTANEDA-Negrete was, on May 21, 2003, convicted in the Superior Court of California, in and for the County of Fresno, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (10) Mr. CASTANEDA-Negrete was, February 07, 2005, convicted in the Superior Court of California, in and for the County of Fresno, for the offense of PETTY THEFT WITH PRIOR, a felony, in violation of Section 666 of the California Penal Code, and was sentenced to three (3) years in prison.
- (11) On the basis of the above information, there is probable cause to believe that Mr. CASTANEDA-Negrete illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 24 day of September, 2007

  
\_\_\_\_\_  
PATRICIA V. TRUMBULL  
UNITED STATES MAGISTRATE JUDGE